

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1817 of 2017

In
Civil Writ Jurisdiction Case No.12271 of 2012

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Santosh Kumar Singh son of Late Bhirgu Nath Singh R/o Village and P.O.
Rajpur, Via Raghunathpur, District - Siwan.

... .. Appellant/s

Versus

1. The Union Of India and Ors
2. D.I.G., C.R.P.F. Muzaffarpur, District Muzaffarpur.
3. D.I.G., C.R.P.F. Mokama Ghat, District Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prabhat Kumar Singh, Advocate

For the Respondent/s : Mr. S.D Sanjay Addl. Soc. Gen.

Mr. Anshuman Singh, CGC, UOI

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

Date : 16-01-2020

Heard learned counsel appearing for appellant and
learned ASG appearing for the Union of India.

The appellant is aggrieved by the impugned
judgment dated 22.11.2017 passed by learned Single Judge in
C.W.J.C. No. 12271 of 2012 by which and whereunder learned
Single Judge dismissed the above stated C.W.J.C. No. 12271 of
2012.

The appellant was appointed as CT/GD and,
accordingly, appointment letter was issued to him on



28.02.2001 but the aforesaid appointment letter contained a rider that if in X-ray, the appellant is found unfit, his services shall be terminated. Accordingly, the appellant jointed to his post but in X-ray examination, he was found unfit and, accordingly, vide letter dated 28.3.2001, he was terminated from the service. However, appellant filed C.W.J.C. No. 5864/2002 which was disposed of *vide* order dated 12.2.2004 directing the appellant to file appeal against the medical report. The appellant approached the appellate authority for fresh medical examination and, accordingly, a Medical Board was constituted and the medical of the appellant was again done and in the said medical test, he was found fit. Thereafter, again an office order dated 29.6.2004 was issued in favour of the appellant and, accordingly, he was permitted to join his post but there was a condition that he will be entitled for pay and allowances from the date of his appointment as CT/GD. Accordingly, the appellant joined his post on 29.6.2004.

In the year 2012, the appellant approached this Court by filing C.W.J.C. No. 12271 of 2012 raising his grievance that he should be treated to be in service from the date of his initial appointment. Learned Single Judge dismissed the claim of the appellant and, thereafter, appellant has preferred



this appeal. Admittedly, the appellant was reappointed on 29.6.2004 against the vacancy which stood in the year 2004 and there was specific rider in his appointment letter that he shall be entitled for pay and allowances from the date of his appointment but the appellant did not challenge the aforesaid rider in the year 2004 rather he came before this Court after eight years and the aforesaid delay has not been explained by the appellant. Moreover, if after such a long period, this Court gives any relief to the appellant, then it shall affect the seniority of several other persons, which is not possible for this Court after such a long period.

Accordingly, we do not find any ground to interfere into the impugned judgment, hence, this appeal stands dismissed at the admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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